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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/739,745 | 12/20/2000 | Moshe Shavit | 782.1081/RAG | 4969 |

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| EXAMINER | |
|---|---|
| PHILLIPS, HASSAN A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2151 | |

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/739,745 | SHAVIT ET AL. | |
| | Examiner | Art Unit | |
| | Hassan Phillips | 2151 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *09 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *2,3,5-7,9,10,12-14,18 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,3,5-7,9,10,12-14,18 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed July 9, 2004 have been fully considered but they are not persuasive.

Applicant argued that:

a) Nothing has been cited or found suggesting "generating at the information servers an activity log file including location data... indicating which of the information servers provided access to the subscriber", and then "transferring the activity log file from each of the information servers to the central management server"; and,

b) The teachings of Penttonen (col. 3, lines 17-21), not being equivalent to, or suggesting, "pattern analysis".

Examiner respectfully submits that Applicant has misinterpreted the prior art of record.

Being that the MSC's disclosed by Penttonen (see Fig. 1) performed substantially in the same manner as the information servers disclosed by the applicant, the examiner interpreted the MSC's as the information servers disclosed by the applicant. Similarly, as the VMS's disclosed by Penttonen (see Fig. 1) essentially performed substantially in the same manner as the central servers disclosed by the applicant, the examiner interpreted the VMS's as the central servers disclosed by the applicant.

Regarding item a), apparently the applicant interpreted the VMS as the "creator" of the activity log, however, Penttonen teaches the "activity log" maintained by the HLR (see col. 2, lines 62-65), **not the VMS**. Penttonen also teaches transferring this log data to the VMS from the HLR (col. 3, lines 5-6). The examiner admitted in the prior action that Penttonen failed to expressly disclose the MSC's generating this activity log information, indicating which of the MSC's provided access to the subscribers. Baiyor, however, teaches that MSC's have this capability. More specifically, Baiyor teaches an MSC transmitting location information to an HLR (col. 10, lines 39-41), the location information indicating which MSC provided access to the subscriber, (col. 5, lines 41-47). Thus, the combined teachings of Penttonen and Baiyor provide for ""generating at the information servers (MSC's) an activity log file including location data... indicating which of the information servers (MSC's) provided access to the subscriber", and then "transferring the activity log file from each of the information servers (MSC's) to the central management server (VMS)".

Regarding item b), the examiner respectfully submits that the teachings of Penttonen do suggest pattern analysis. Penttonen teaches, in monitoring the information about the movements of a subscriber, a decision being made about a subscriber staying permanently within a new area **if the subscriber spent 20 of the last 30 days within the new area**. Thus, in the teachings of Penttonen, a pattern is analyzed, and an action is taken if a threshold value of the re-occurring pattern is exceeded.

Furthermore, the Examiner has interpreted the claim language as broadly as possible. It is also the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly.

Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2, 5, 6, 7, 9, 12, 13, 14, 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Penttonen U.S patent 5,627,877, in view of Baiyor et al. (hereinafter Baiyor), U.S. patent 6,714,636.

3. In considering claims 5 and 12, Penttonen discloses a method for relocating subscriber data in a communication system having at least one voice messaging system (VMS) and mobile switching centers (MSC) geographically distributed to provide access to subscribers, said method comprising:

a) transferring data derived from an activity log to the VMS, (col. 3, lines 5-8);

b) automatically performing pattern analysis at the VMS (col. 3, lines 17-21);

c) relocating data, associated with a subscriber, from a first location to a second location within the communication system when the pattern analysis indicates that service can be provided more efficiently from the second location (col. 3, lines 17-21, and lines 28-34).

Although the disclosed method of Penttonen shows substantial features of the claimed invention, it fails to expressly disclose:

a) the MSC's indicating which MSC provided access to the subscribers.

Nevertheless, in a similar field of endeavor, Baiyor discloses a method for providing subscriber control of timed and regional membership in a termination group comprising:

a) an MSC transmitting location information to an HLR (col. 10, lines 39-41);

b) the location information indicating which MSC provided access to the subscriber, (col. 5, lines 41-47).

Given the teachings of Baiyor, it would have been apparent to one of ordinary skill in the art, at the time of the present invention, that the MSC's disclosed by Penttonen provides a means for transmitting location information to the HLR, and

further on to the VMS. The location information indicating which MSC provided access to the subscriber. This would allow for the VMS to keep track of the location of the subscriber in case the subscriber moves in to different geographic regions, Baiyor, col. 10, lines 21-36. This would then allow the VMS to transfer the subscriber to a new VMS after the subscriber has spent 20 of the last 30 days in the new location, to allow service to be provided more efficiently, Penttonen, col. 3, lines 17-34.

4. In considering claims 2 and 9, see Penttonen, col. 3, lines 50-53.

5. In considering claims 6, 7, 13, and 14, although the disclosed method of Penttonen shows substantial features of the claimed invention, it fails to expressly disclose:

a) moving subscriber data from one MSC to another MSC.

Nevertheless, the method of Baiyor teaches:

a) MSC's exchanging subscriber location information when a subscriber moves to a different geographical location, (col. 10, lines 31-36).

Given the teachings of Baiyor, it would have been apparent to one of ordinary skill in the art, at the time of the present invention, that the MSC's disclosed by Penttonen provides a means for exchanging private data of at least one subscriber. This would allow for efficiently transmitting the private data based on the subscribers new location, Baiyor, col. 10, lines 21-36.

6. In considering claims 18, and 19 the combined system disclosed by Penttonen in view of Baiyor comprise means adapted for carrying out the methods according to the claimed inventions (claims 18, and 19) as applied to the proceeding claims (claims 5 and 6).

7. Claims 3 and 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Penttonen in view of Baiyor, and further in view of Chang et al. (hereinafter Chang), U.S. patent 5,958,016.

8. Regarding claims 3 and 10, Penttonen shows substantial features of the claimed invention as mentioned above. Furthermore, Penttonen also discloses:

a) the pattern analysis producing results periodically, (col. 3, lines 5-6, and lines 24-27).

It is obvious, if not implicit, that results are produced periodically (in this case once a day) in order for the decision to be made about a subscriber staying permanently within a new area or not.

Nonetheless, although the disclosed method of Penttonen shows substantial features of the claimed invention, it fails to explicitly disclose:

a) relocating data under manual control.

In a U.S. Patent relating to a system and methodology for service control in a communications network, Chang et al. discloses a method for network service control comprising:

a) a subscriber establishing, or modifying private data (col. 5, lines 24-31).

It is well known in the art that data can be manually transferred from one location to another within a network. Penttonen even suggests that data be transferred automatically, without the assistance of an operator, and if an operator was to be involved the operator could configure the process of automatically transferring data from one location to another (col. 3, lines 50-53). Therefore, given the teachings of Chang et al., it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Penttonen with Chang et al., in order to relocate data manually. The motivation for doing so would have been to assure that a transfer of private data has taken place. Therefore, the claimed inventions (claim 3 and 10) would have been an obvious modification of the methods disclosed by Penttonen and Baiyor in view of Chang.

***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (703) 308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
9/1/04

ZARNI MAUNG
PRIMARY EXAMINER